

FILED
COURT OF APPEALS
DIVISION II

2022 MAY 13 PM 1:59

STATE OF WASHINGTON

BY _____
DEPUTY

No. 56295-2

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

HEATHER BENEDICT,

Plaintiff/Appellant,

v.

JAMES MICKELSON, KENYON LUCE,
and LUCE & ASSOCIATES, P.S.,

Defendants/Appellees

ON APPEAL FROM THE
THE SUPERIOR COURT
FOR PIERCE COUNTY

The Honorable Bryan Chushcoff, Judge
Trial Court Cause No. 18-2-10728-3

APPELLANT'S OPENING BRIEF

Heather Benedict
Appellant, In propria persona
1037 NE 65th Street
Box #81366
Seattle, WA 98115
Telephone (253) 209-7434

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ASSIGNMENTS OF ERROR	3
III.	ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR.....	4
IV.	STATEMENT OF THE CASE.....	4
V.	ARGUMENT	4
	A. The trial court does not have the procedural authority to vacate a commissioner’s show-cause order <i>sua sponte</i>	10
	B. The judicial canons require the judge to recuse himself because of an actual conflict of interest..	14
VI.	CONCLUSION	18
VII.	APPENDIX	19
VIII.	DECLARATION OF SERVICE.....	24

TABLE OF AUTHORITIES

Cases

<i>Chushcoff and Friends to Re-Elect Chushcoff vs. Benedict</i> , Pierce County District Court Cause No. 1A909137C	4
<i>Drexel Burnham Lambert Inc.</i> 861 F .2d 1307, 1313 (2d Cir. 1988).....	16
<i>Estate of Leeanna Ruth Mickelson</i> , Pierce County Superior Court Cause No. 16-4-00861-8	4
<i>Farmers Ins. Co. of Wash., Inc. v. Waxman Indus., Inc.</i> , 132 Wn. App. 142, 146, 130 P.3d 874 (2006)	13
<i>Guardado vs. Guardado</i> , 200 Wn.App. 237, 243, 402. P.3d 357 (2017).....	10
<i>In re Marriage of Farr</i> , 87 Wn. App. 177, 188, 940 P.2d 679 (1997).....	16

<i>Jones v. Halvorson-Berg,</i> 69 Wn. App. 117, 127, 847 P.2d 945 (1993).....	14
<i>Little v. King,</i> 160 Wn.3d 696, 703, 161 P.3d 345 (2007)	12
<i>Kay Corp. v. Anderson,</i> 72 Wn.2d 879, 885, 436 P.2d 459 (1967).....	14
<i>Morin v. Burris,</i> 160 Wn.2d 745, 753, 161 P.3d 956 (2007)	12
<i>Shaw v. City of Des Moines,</i> 109 Wn.App. 896, 901, 37 P.3d 1255 (2002).....	12
<i>Sherman v. State,</i> 128 Wn.2d 164, 206, 905 P.2d 355 (1995).....	16
<i>State v. Dominguez,</i> 81 Wn. App. 325, 328, 914 P.2d 141 (1996).....	14
<i>State v. Dugan,</i> 96 Wn. App. 346, 354, 979 P.2d 885 (1999).....	17
<i>State v. Ingle,</i> 64 Wn .2d 491, 499, 393 P .2d 422 (1964).....	17
<i>State v. Madry,</i> 8 Wn, App. 61, 70, 504 P .2d 1156 (1972)).....	17
<i>Vaughn v. Chung,</i> 119 Wn.2d 273, 278, 830 P.2d 668 (1992).....	12

Statutes and Rules

CR 60(e)(1)).....	9
CR 60(e)(2)).....	1
RCW 2.04.110	2
RCW 4.12.050	1
RCW 11.04.015	1
RCW 11.28.340	6
RAP 11.2(a)	18

Other Authorities

Pierce County Facility Management Footage “8 27 21 CCB FLR 2A Wing RM 2 E Courtroom Gallery E 0830 to 1025” ..	1
Pierce County LINX System	2
Washington State Judicial Canon 2	4
Wash. Const. art. I, sec. 22; U.S. Const. amends. VI, XIV	17

I. INTRODUCTION

This appeal outlines the trial court's failure to follow CR 60(e)(1)(2). A court commissioner entered the mandatory show cause order then the judge, subject to a motion to disqualify, vacated the order and struck the hearing. No proper motion to vacate the commissioner's order was entered prior to the judge simply extinguishing the request to vacate an earlier order which was *void ab initio* due to further procedural defects.

Additionally, the assigned judge, Bryan Chushcoff, was subject to a motion to disqualify since he personally filed a 39-page lawsuit against Ms. Benedict in district court stating he believed she owed him and his re-election campaign \$220.30. Rather than allow Ms. Benedict's motion to be heard, Judge Chushcoff would instruct his judicial assistant to strike any motion which challenged the appropriateness of him being the judge, a total of five times, as evidenced in the Legal Information Network Exchange (LINX)¹ court record system.

¹Website Reference:

https://linxonline.co.pierce.wa.us/linxweb/Case/CivilCase.cfm?cause_num=18-2-10728-3

04/10/2020 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-C) Unconfirmed 9:00 Motion - Motion(Other: DISQUALIFY JUDGE DUE TO CONFLICT) Scheduled By: Heather Benedict	Cancelled/Stricken
08/20/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E) Unconfirmed 9:00 Motion - Motion(Other: DISQUALIFY JUDGE CHUSHCOFF DUE TO FINANCIAL CONFLICT) Scheduled By: Heather Benedict	Cancelled/Stricken
08/27/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E) Confirmed 9:00 Motion - Motion(Other: DISQUALIFY JUDGE CHUSHCOFF DUE TO FINANCIAL CONFLICT) Scheduled By: Heather Benedict	Cancelled/Stricken
09/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E) Confirmed 9:00 Motion - Motion(Other: DISQUALIFY JUDGE CHUSHCOFF DUE TO FINANCIAL CONFLICT) Scheduled By: Heather Benedict	Cancelled/Stricken
12/17/2021 DEPT 04 - JUDGE CHUSHCOFF (Rm. 2-E) Unconfirmed 9:00 Motion - Motion(Other: DISQUALIFY JUDGE CHUSHCOFF) Scheduled By: Heather Benedict	Cancelled/Stricken

On August 27, 2021, the same day Ms. Benedict's motion to disqualify Judge Chushcoff was stricken, the judge participated in undisclosed *ex parte* communication with the attorney for Defendant/Respondent Mickelson, F. Hunter MacDonald ("Mr. MacDonald"). This is evidenced in video footage obtained by the county's facility management team through a public records request, and a DVD included as part of the clerk's papers. A screenshot from the evidence shows this *ex parte* communication in open court and the failure to wear his robe, violating RCW 2.04.110, as seen on the next page.



On February 2, 2022, a PDF of the Order of Adjudication of Intestacy and Heirship, in re the *Estate of Leeanna Ruth Mickelson*, 16-4-00861-8, which was not uploaded into LINX publicly, was produced by the outgoing court clerk Lu Ellen Scott. On February 18, 2022, attorney Mr. MacDonald entered a notice of withdrawal from all representation in the trial court for Mr. Mickelson, Respondent.

II. ASSIGNMENTS OF ERROR

- A. A trial court erred when it failed to issue the mandatory show-cause order required by CR 60(e)(2) before it vacated an order to show cause signed by a commissioner and struck the hearing related to such order without ever allowing the issues to be subject to a fair hearing.

- B. The trial court's assigned judge, Bryan Chushcoff, departed from Judicial Canon 2; a judge should avoid impropriety and the appearance of impropriety, as prejudice is presumed when he filed a collection action against Ms. Benedict claiming that she owed his campaign money and failed to disclose this conflict he has against her until after he made his ruling against her, and participated in *ex parte* communication with counsel for the opposing party.

III. ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR

- A. Whether the trial court erred by failing to enter a show-cause order under the plain mandatory "shall enter an order" language of CR 60(e)(2)?
- B. Whether Judge Bryan Chushcoff's refusal to recuse himself violated the judicial canons because prejudice is presumed?

IV. STATEMENT OF THE CASE

Heather Benedict, Appellant, and a Defendant in the Pierce County District Court matter, *Bryan E. Chushcoff and Friends to Re-Elect Brian E. Chushcoff vs. Heather Benedict*,

Cause No. 1A909137C, is the daughter of Leeanna Ruth Mickelson, who passed away in Pierce County on May 1, 2012. Mrs. Mickelson was heir to a large estate before marriage. On May 16, 2016, an Order of Adjudication of Intestacy and Heirship was entered by Commissioner Karena Kirkendoll, recognizing Ms. Benedict as a 12.5% heir to the separate property of her late mother's estate. Appendix A. Issues related to the transfer of the interest of her late mother's estate at the time of death include to what extent an alleged community property agreement, with a 30-day survivorship clause and with no attesting witnesses, could trump legislation and the default laws of intestate succession at the time of death. On January 14, 2022, Pierce County Superior Court Presiding Judge Philip Sorenson recognized the order entered by Commissioner Karena Kirkendoll on May 16, 2016, which determined that Mrs. Mickelson died intestate and the final decree of distribution and descent, and then closed probate. These heirs have also been recognized by this Court of Appeals Division II when they required notice to such heirs in Cause No. 565994-II and 566699-II.

The remaining issue of whether or not a community property agreement trumps legislation is the subject of the declaratory relief action. It seems intuitive that no private contract could trump legislation. It also seems moot that a community property agreement competes with the laws of intestate succession because, under these laws, all community property would go to the surviving spouse.

The many probate actions and appeals have singled out one heir, Ms. Benedict, who merely sought an adjudication of intestacy and heirship, and the public filing of a court order therein. Under RCW 11.28.340, such a limited proceeding requires no response from the other heirs unless there was a will to produce. During the unnecessary and extensive litigation, attorney billing records from the Luce & Associates Law Firm, P.S., Respondents, evidence communication with the clerk's office on May 17, 2016, the day after Commissioner Kirkendoll's order was entered but never filed into the public record. According to Tyler Wherry, Pierce County Public Records Officer, the county clerk does not keep a record of their facsimile communications. Therefore copies of faxes are

not subject to public records requests because of their nonexistence. CP 86-92. The issue of corruption and collusion was raised sometime between May and June 2016 when Ms. Benedict, along with a witness, personally visited Judge Chushcoff's courtroom, consulted with him, and engaged in *ex parte* communication before he was assigned judge to this case. Then, Judge Chushcoff stated he knew Mr. Kenyon Luce, owner of the Luce & Associates, P.S. Law Firm, now Defendants/Respondents. Ms. Benedict and the witness filed declarations attesting to this event. CP 74-81. Ms. Benedict filed her first Motion for Recusal of the judge on April 17, 2020, at 8:30 AM. CP 82-85.

This initial action on appeal is a declaratory relief action that challenges the notion that a private contract, i.e., can trump legislation. This appeal, Case No. 547759, asks whether a personal agreement can change property characteristics from separate to community and thereby trumps what the legislature has deemed community property and what the legislature has deemed separate property. This matter will be heard on June

13, 2022, and an oral argument has been requested under RAP 11.2(a).

In this appeal before this Court, a 14-page show-cause order was granted by Commissioner Craig Adams on August 17, 2021, in favor of Ms. Benedict to allow her a show-cause motion to challenge the legitimacy of the April 16, 2021 order. CP 42-56. This show cause motion challenges the hearing where she was intentionally kept on mute during the entire proceeding, at the direction of Judge Chushcoff. At this hearing, Ms. Benedict did not have the opportunity to explain the circumstances. Judge Chushcoff did not have a show-case order and, therefore, no authority to vacate the commissioner's August 17, 2021 show-cause order. This action barred Ms. Benedict from having a fair hearing related to an issue that supports the three-branch government wherein the court upholds the constitution, statutes, and civil rules. The dismissive actions of the judge in both refusing to recuse himself and failing to provide citizens with a fair hearing of genuine issues which exist in a situation must be reversed by this Court.

Mr. MacDonald only filed a motion to vacate an order to show cause. But according to the civil rules of procedure (CR) 60(e)(1), vacating an order requires an order to show cause and a fair hearing. The judge bypassed these due process requirements, and such an order is *void ab initio*.

On June 1, 2021, Judge Chushcoff filed a personal lawsuit against Ms. Benedict and failed to disclose his 39-page pleading to all litigants in this case. Appendix B (page 1 of 39 only). On August 27, 2021, Ms. Benedict noted a motion for recusal due to a financial conflict of interest. Upon learning Ms. Benedict was the moving party, the judge abruptly terminated the Zoom connection and struck the hearing. No clerk's minutes exist. According to surveillance cameras from the courthouse, Judge Chushcoff and his staff engaged in ex parte communication with Respondent's attorney Mr. MacDonald for 4 ½ minutes of private, undisclosed communication. CP – DVD at:

- 29:06 – Mr. MacDonald enters Judge Chushcoff's courtroom.
- 30:40 - Judge Chushcoff enters open court without a gown (9:00 AM), violating RCW 2.04.110.
- 39:37 – Mr. MacDonald walks from the courtroom galley and straight into the jury deliberation room.

- 56:02 – Judge Chushcoff’s Judicial Assistant meets with Mr. MacDonald in the private jury deliberation room, outside of the public’s view.
- 1:43:48 - Judge Chushcoff engages in private *ex parte* communication with Mr. MacDonald.
- 1:47:39 - Judge Chushcoff, for a second time, engages in private *ex parte* communication with Mr. MacDonald, now without wearing his gown.

Despite there being an apparent conflict of interest and his refusal to enter any order on the motion for recusal, Judge Chushcoff ruled outside his discretion and vacated the commissioner’s order to show cause without having first entered an order to show cause to have granted him this authority and issued sanctions against Ms. Benedict.

V. ARGUMENT

A. The trial court does not have the procedural authority to vacate a commissioner’s show-cause order *sua sponte*, thereby barring a person he claims owes his campaign money from having a fair hearing.

The *De Novo* Standard of Review is Used When Interpreting Court Rule 60(e)(2) and its Plain “Shall Enter and Order” Language.

The proper interpretation of a court rule is a question of law that courts review *de novo*. *Guardado vs. Guardado*, 200 Wn.App. 237, 243, 402. P.3d 357 (2017) (analyzing CR 60(e))

(internal citation omitted). Court rules are to be interpreted in the same manner that statutes are interpreted. *Id.* If the rule's meaning is plain on its face, courts give that plain meaning effect as an expression of the drafter's intent. *Id.* If the rule is ambiguous, courts attempt to determine the rules' intent by reading the rule as a whole, harmonizing its provisions, and considering related rules. *Id.*

CR 60(e)(2) provides:

Notice. Upon the filing of the motion and affidavit, the court ***shall enter an order*** fixing the time and place of the hearing thereof and directing all parties to the action or proceeding who may be affected thereby to appear and show cause why the relief asked for should not be granted.

(Emphasis added.) The mandatory "shall enter and order" language in the rule is plain on its face – it directs the trial court to issue a show-cause order on a CR 60 motion to vacate. The rule's mandatory requirement is reviewed *de novo*.

The Abuse of Discretion Standard of Review Applies to the
Trial Court's Premature Denial of the CR 60(b) Motion to
Vacate Without First Issuing the Mandatory Show Cause Order.

Court's review trial court's denial of a CR 60(b) motion for an abuse of discretion. *Shaw v. City of Des Moines*, 109 Wn.App. 896, 901, 37 P.3d 1255 (2002). Discretion is abused if exercised on untenable grounds or for untenable reasons. *Morin v. Burris*, 160 Wn.2d 745, 753, 161 P.3d 956 (2007). A trial court that misapplies the rule bases its decision on untenable grounds. *Little v. King*, 160 Wn.3d 696, 703, 161 P.3d 345 (2007).

"In considering whether to grant a motion to vacate under CR 60, a trial court should exercise its authority liberally and equitably to preserve the parties' substantial rights." *Shaw vs. City of Des Moines*, 109 Wn. App. At 901, citing *Vaughn v. Chung*, 119 Wn.2d 273, 278, 830 P.2d 668 (1992). The trial court's premature denial of the motion to vacate after failing to issue the mandatory show cause order is a clear error under the abuse of discretion standard of review.

The prime purpose of [CR 60(e)(1)] is to prove to the court that there exists, at least prima facie, a defense to the claim. This avoids a useless subsequent trial if the defaulted defendant cannot bring forth facts to make such a showing when seeking to vacate the default. The affidavit must set out facts constituting a defense; it cannot merely state allegations and conclusions. *Farmers Ins. Co. of Wash., Inc. v. Waxman Indus., Inc.*, 132 Wn. App. 142, 146, 130 P.3d 874 (2006) (internal citation omitted).

CR 60(e)(1) serves a gate-keeping function by requiring the moving party to make a prima facie showing that the motion has merit. If the court determines that the moving party has made this showing, CR 60(e)(2) then requires it to enter an order fixing the time and place for a hearing and directing the non-moving party to appear and show cause why relief should be granted. If the court determines that the moving party has failed to make this showing, there is no reason to put the judgment holder through the needless expense of responding. Were this not the case, the moving party could simply move to

vacate the judgment without first meeting CR 60(e)(1)'s requirements.

B. The judicial canons required Bryan Chushcoff to recuse himself because of an actual conflict of interest (a collection action *filed by Bryan Chushcoff* against Ms. Benedict for alleged monies owed to his campaign); therefore, prejudice is presumed.

Due process, the appearance of fairness, and Canon 3(D)(1) of the Code of Judicial Conduct require disqualification of a judge who is biased against a party or whose impartiality may be reasonably questioned. *State v. Dominguez*, 81 Wn. App. 325, 328, 914 P.2d 141 (1996). The trial court is presumed, though, to perform its functions regularly and properly without bias or prejudice. *Kay Corp. v. Anderson*, 72 Wn.2d 879, 885, 436 P.2d 459 (1967); *Jones v. Halvorson-Berg*, 69 Wn. App. 117, 127, 847 P.2d 945 (1993). A party claiming to the contrary must support the claim; prejudice is not presumed as it is when a party files an affidavit of prejudice under RCW 4.12.050. *Dominguez*, 81 Wn. App. at 328-29.

The presented issue is whether a lawsuit between a litigant and a judge constitutes a perceived conflict. Judge Chushcoff should have recused himself once he believed Ms.

Benedict owed him and his campaign \$220.30 as he was predisposed to bias toward Ms. Benedict.

Considering the facts objectively, the judge appeared to have 'a personal bias or prejudice concerning a party.' The judge accused Ms. Benedict of donating to his campaign to run up his credit card processing fees. Still, there is no finding of fact to support his allegation against her, and in total, he is asking she pay him personally \$220.30. The collection matter against her is set to go to trial in June of 2022. The alleged debt of Ms. Benedict to Judge Chushcoff arose in October of 2020 before he ruled against Benedict, now on appeal, and Judge Chushcoff never disclosed to the tribunal, nor litigants in this case, that he believed she owed him money personally.

The burden of showing actual impartiality is met with the evidence from the filing of the lawsuit by Judge Chushcoff against Ms. Benedict, realizing its predisposition for bias. He filed exhibits from this case into the collection action for his personal gain and was used to attack Ms. Benedict personally. The deeper, less burdensome, and dispositive issue is whether, under these facts, the appearance of unfairness exists because

the judge's impartiality may, by implication, be reasonably questioned. Even the appearance of unfairness threatens the integrity of the judicial process. CJC 3(D)(1) states: 'Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances in which: (a) the judge has a personal bias or prejudice concerning a party.' Courts apply an objective test assuming that "a reasonable person knows and understands all the relevant facts." *Sherman v. State*, 128 Wn.2d 164, 206, 905 P.2d 355 (1995) (quoting *In re Drexel Burnham Lambert Inc.*, 861 F.2d 1307, 1313 (2d Cir. 1988)). The effect on the judicial system can be debilitating when 'a trial judge's decisions are tainted by even a mere suspicion of partiality.' *Sherman*, 128 Wn.2d at 205. Generally, recusal is within the sound discretion of the court. *In re Marriage of Farr*, 87 Wn. App. 177, 188, 940 P.2d 679 (1997). Recusal questions usually arise when a judge perceives a potential conflict or bias and announces it to the parties or a party raises the issue.

Above all, the appearance of fairness doctrine applies. A litigant has a due process right to a fair trial by an impartial

judge. Wash. Const. art. I, sec. 22; U.S. Const. amends. VI, XIV. Impartial means the absence of bias, either actual or apparent. *State v. Moreno*, 147 Wn.2d 500, 507, 58 P.3d 265 (2002). 'The law goes farther than requiring an impartial judge; it also requires that the judge appear to be impartial.' *State v. Post*, 118 Wn.2d 596, 618, 826 P.2d 172, 837 P.2d 599 (1992) (quoting *State v. Madry*, 8 Wn. App. 61, 70, 504 P.2d 1156 (1972)). *Ex parte* colloquies that occurred between the court and Mr. MacDonald on August 27, 2021 can become the basis for a fair trial challenge. See *State v. Ingle*, 64 Wn.2d 491, 499, 393 P.2d 422 (1964). 'The constitution guarantees a fair trial, not a perfect trial.' *Id.*

Public confidence in the administration of justice requires the appearance of fairness and actual fairness. *State v. Dugan*, 96 Wn. App. 346, 354, 979 P.2d 885 (1999). Actual and potential bias is equally relevant. *Post*, 118 Wn.2d at 618-19. Objectively, the court's colloquy with Mr. MacDonald gives the appearance that the judge's sincere personal interest in collateral matters appears to have affected the outcome. Talking privately with Mr. MacDonald on August 27, 2021, he may have swayed

Judge Chushcoff to enter an order against Ms. Benedict the following Friday, September 3, 2021. The appearance of fairness doctrine applies to these facts.

Ms. Benedict is not required to show actual impartiality. Had the judge recognized the potential for apparent bias, any reasonable person would expect the judge's recusal to follow.

VI. CONCLUSION

This Court should reverse the order vacating the order to show cause, award of attorney fees and judgment, and remand the case for further proceedings.

I certify that this document, exclusive of appendices, title sheet, table of contents, and authorities, this certificate of compliance, the certificate of service, signature blocks, and pictorial images, contains 3,270 words, in compliance with RAP 18.17. An oral argument is requested under RAP 11.2(a).

Respectfully submitted this 8th day of May 2022.

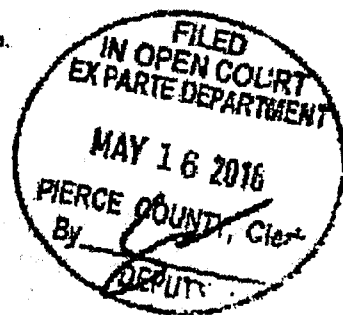
Heather Benedict

Heather Benedict, Appellant
In propria persona

VII. APPENDIX

APPENDIX A

4. Order of Adjudication of Intestacy and Heirship.


 SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR Pierce COUNTY

Estate of <u>Leanna Ruth Mickelson</u>	No. <u>16 4 00861 8</u>
Deceased.	ORDER OF ADJUDICATION OF INTESTACY AND HEIRSHIP RCW 11.28.340

The Petition for Adjudication of Intestacy and Heirship of the estate of the above-named decedent has been presented on behalf of Heather Jean Mickelson. The court finds:

- The decedent died on May 1, 2012 without a will.
- The heirs of decedent and the distributive share of each heir pursuant to RCW 11.04.015 are the following:

Name and Address	Relationship	Date of Birth (if a Minor)	Distributive Share of Decedent's Estate
<u>Enk John Mickelson</u> <u>2025 Freeman Rd E</u> <u>Milton, WA 98354</u>	<u>Son</u>		<u>12.5% Separate property</u>
<u>Scott Christian Mickelson</u> <u>2804 90th Ave E.</u> <u>Edgewood, WA 98371</u>	<u>Son</u>		<u>12.5% separate property</u>

Order of Adjudication of Intestacy and Heirship

NAME OF ATTORNEY
Address

1 Heather Jean Mickelson Daughter
 2 801 Dexter Ave NW #629
 3 Seattle WA 98107

12.5% separate
Property

5 Gale Elizabeth McArthur Daughter
 6 6927 Park St. E
 7 Fife WA 98424

12.5% separate
Property

9 James Albert Mickelson Husband
 10 2804 90th Ave E
 11 Edgewood, WA 98371

50% separate
Property

100% community
Property

ORDER

15 IT IS ORDERED that the decedent died intestate and the heirs of decedent's estate
 16 are as set forth in paragraph 2 above.

19 Dated MAY 16 2016

Karen Kirkendoll

Judge/Court Commissioner

KARENA KIRKENDOLL
COURT COMMISSIONER

28 Presented by:

31 Heather Jean Mickelson
 32 Pro se

[Attorney], WSBA # _____

[Firm Name]

34 Attorneys for Petitioner

38 _____ [Paralegal], Registration # _____

39 Paralegal

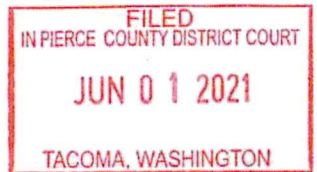
[Firm Name]

Order of Adjudication of Intestacy and Heirship

NAME OF ATTORNEY
 Address

APPENDIX B

PIERCE COUNTY DISTRICT COURT
930 Tacoma Avenue South, Room 239, Tacoma, WA 98402



HEATHER BENEDICT

Case NO. 1A909137C

Plaintiff(s),

COUNTER/CROSS CLAIM

VS.

TRIAL/MEDIATION DATE/TIME

FRIENDS TO RE-ELECT JUDGE

NOVEMBER 19, 2021 1:30 PM

BRYAN GUSHCOFF & BRIAN GUSHCOFF

Defendant(s).

ALL

, Defendant(s), state that:

Admit that I/we owe the plaintiff \$ _____.

✓ Deny that I/we owe the plaintiff any amount whatsoever.

✓ Plaintiff(s) owes me the sum of \$220.30 for the following reasons:

SEE ATTACHED ANSWER TO SMALL CLAIM & COUNTERCLAIM

Date: June 1, 2021

Bryan Gushcoff

Signature and printed name BRYAN GUSHCOFF

Address 6905 NARROWS LANE, TACOMA, WA.

Phone 253-1759-9279

Signature and printed name

Address

Phone

TXD 6/1/2021

Clerk

FILED
COURT OF APPEALS
DIVISION II

2022 MAY 13 PM 1:59

STATE OF WASHINGTON

BY

DEPUTY

VIII. DECLARATION OF SERVICE OF BRIEF
OF APPELLANT

I, Heather Benedict, declare that on May 8, 2022, I deposited into the U.S. Mail, first-class, postage prepaid, the Appellant's Opening Brief addressed to:

Mr. Derek M. Byrne
Clerk of the Court
Court of Appeals, Division II
909 A St, Ste 200
Tacoma, WA 98402

A copy was mailed by U.S. mail, postage prepaid, to the Defendants/Respondents addressed to:

F. Hunter MacDonald
Attorney for James Mickelson
Dynam & Associates
2102 N Pearl St, Ste 400
Tacoma, WA 98406-2550

Michael Thomas Smith
Attorney for Kenyon Luce and Luce & Associates, P.S.
Luce & Associates, P.S.
5308 12th St E
Tacoma, WA 98424

This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at San Marino, California, on May 8, 2022.

Heather Benedict
Heather Benedict, Appellant